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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/766,721	01/27/2004	Daniel Matern	056982/00040	3454	
75	90 10/23/2006	EXAM	INER		
Kramer Levin	Naftalis & Frankel LL	FLEMING,	· FLEMING, FAYE M		
919 Third Aven	·		ART UNIT	PAPER NUMBER	
New York, NY	10022	·	3616		
	,		DATE MAILED: 10/23/2000	6	

Please find below and/or attached an Office communication concerning this application or proceeding.

			Application No.	Applicant(s)	
Office Action Company			10/766,721	MATERN ET AL.	
	Office Action Summary		Examiner	Art Unit	
			Faye M. Fleming	3616	
Period fo					
WHIC - Exter after - If NO - Failu Any r	ORTENED STATUTORY PERIOD F CHEVER IS LONGER, FROM THE M resions of time may be available under the provisions SIX (6) MONTHS from the mailing date of this comm reperiod for reply is specified above, the maximum stree to reply within the set or extended period for reply eply received by the Office later than three months a department term adjustment. See 37 CFR 1.704(b).	IAILING DA of 37 CFR 1.130 nunication. atutory period wi	TE OF THIS COMMUNICAT 6(a). In no event, however, may a reply to Il apply and will expire SIX (6) MONTHS cause the application to become ABAND	ION.  De timely filed  From the mailing date of this of the control of the contro	
Status					
1)	Responsive to communication(s) file	ed on	· •		
2a)	11110 4011011 10 1 1111	<i>,</i> —	action is non-final.		
3)	Since this application is in condition				e merits is
	closed in accordance with the practi	ce under E	x parte Quayle; 1935 C.D. 11	, 453 O.G. 213.	
Dispositi	on of Claims				
4)⊠	Claim(s) 1-28 is/are pending in the a	application.			
	4a) Of the above claim(s) <u>9 and 23</u> is	s/are withdr	awn from consideration.		
	Claim(s) is/are allowed.		,		
	Claim(s) <u>1-4 and 15-17</u> is/are reject		atod to		
7)🖂	Claim(s) <u>5-8,10-14,18-22 and 24-28</u>	is/are obje	cleu lu.		
8)∟	Claim(s) are subject to restrict	CHOII and/O	election requirement.		
	ion Papers				
9)[	The specification is objected to by th	e Examine	r.	. =	
10)[	The drawing(s) filed on is/are				
	Applicant may not request that any obje	ection to the d	drawing(s) be held in abeyance.	See 37 CFR 1.65(a).	CED 1 121/d)
	Replacement drawing sheet(s) including	g the correcti	on is required if the arawing(s) i	fice Action or form F	PTO-152
11)∐	The oath or declaration is objected to	o by the Ex	ammer, note the attached O	moe Addon de form F	. 5 .02.
_	ınder 35 U.S.C. § 119			-	
	Acknowledgment is made of a claim	for foreign	priority under 35 U.S.C. § 11	9(a)-(d) or (f).	
a)	⊠ All b) ☐ Some * c) ☐ None of:		h h h h h h h h h h h		
	1.⊠ Certified copies of the priority			ication No	
	<ul><li>2. Certified copies of the priority</li><li>3. Copies of the certified copies</li></ul>				al Stage
	application from the Internation			Selved III tillo Ivatione	otago
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`	see the attached detailed office delic				
Attachmen	t(s) ee of References Cited (PTO-892)		4) Therview Sum	mary (PTO-413)	
2) Notice	e of Draftsperson's Patent Drawing Review (I	PTO-948)	Paper No(s)/M	ail Date	
3) 🛛 Infor	mation Disclosure Statement(s) (PTO/SB/08) er No(s)/Mail Date		5) Motice of Inform 6) Other:	mal Patent Application	
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# **DETAILED ACTION**

# Election/Restrictions

1. Applicant's election without traverse of Species I in the reply filed on July 29, 2006 is acknowledged.

# Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-4 and 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee (6,948,721).

Lee discloses an air-suspension system for a vehicle comprising a compressed-air delivery 18 device, a plurality of air-suspension bellows (not shown), valves 40 constructed and arranged for controlling the filling of at least one of the air-suspension bellows with compressed air from the compressed-air delivery device, the arrangement of the valves defining a plurality of states, and means for automatically controlling the effective delivery capacity of the compressed-air delivery device as a function of a state of the plurality of states defined by the arrangement of the valves. The means for automatically controlling the

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effective delivery capacity of the compressed-air delivery device includes means for controlling at least one of speed and rpm of the compressed-air delivery device see paragraph [0021]. Lee teaches one vent port 14 for controlling the effective delivery capacity of the compressed-air delivery device by venting compressed air to atmosphere.

With respect to claims 1-4, Lee teaches the method for operation of an air suspension system as disclosed above.

# Allowable Subject Matter

4. Claims 5-8, 10, 11-14, 18-22 and 24-28 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

# Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye M. Fleming whose telephone number is (571) 272-6672. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application
Information Retrieval (PAIR) system. Status information for published applications may be obtained from
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Faye M. Fleming Primary Examine

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Substitute for form 1449A/PTO

Sheet

PTO/SB/08A (10-96)

Approved for use through 10/31/99. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# INFORMATION DISCLOSURE

STATEMENT BY APPLICANT (use as many sheets as necessary)

of

Complete if Known **Application Number** 10/766,721 Filing Date January 27, 2004 **Daniel MATERN** First Named Inventor Not Yet Assigned Group Art Unit Examiner Name Not Yet Assigned Attorney Docket Number 056982/00040

				U.S. PATENT DOCUM	ENTS	
		Number Kind Code <sup>2</sup> (if known)		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevan
Examiner Initials *	Cite No.'					Passages or Relevant Figures Appear
PPA		5,931,008		Mizutani et al.	08-03-1999	
₽FB PF		2002/0117992	A1	Hirono et at.	08-29-2002	
BB C		6,171,056	B1	Lorber	01-09-2001	
<sup>kk</sup> D		2002/0021969	A1	Totsuka	02-21-2002	
PP €	<del></del>	5,159,554		Burna et al.	10-27-1992	
FF F	-	6,685,174	82	Behmenburg et al.	02-03-2004	
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Examiner Initials*	Cite No.1	Office <sup>3</sup>	eign Patent Docum		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Тв
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PP H		DE	100 55 108	A1	Römer et al.	05-08-2002		
PP:		DE	102 03 075	A1	Huster	08-08-2002		
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Examiner		Considered	05/04/0006	
Signature	/Fave M. Fleming/	COISIGNE	05/31/2006	_

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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered, include copy of this form with next communication to applicant.

<sup>1</sup> Unique ditation designation number. 2 See attached Kinds of U.S. Patent Documents. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

# Notice of References Cited Application/Control No. 10/766,721 Examiner Faye M. Fleming Applicant(s)/Patent Under Reexamination MATERN ET AL. Page 1 of 1

# U.S. PATENT DOCUMENTS

		Document Number	Date	Name	Classification
*		Country Code-Number-Kind Code	MM-YYYY		
*	Α	US-6,948,721 B2	09-2005	Lee, Yong-Soo	280/5.514
	В	US-			
	C	US-			
	D	US-			
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### FOREIGN PATENT DOCUMENTS

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# NON-PATENT DOCUMENTS

		NON'T ATEM DOCUMENTS
*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).) Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

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